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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/763,528	04/23/2001	Robert Le Pichon	BET 00/1318	8614
466	7590	11/30/2004	EXAMINER	
YOUNG & THOMPSON 745 SOUTH 23RD STREET 2ND FLOOR ARLINGTON, VA 22202			BHANDARI, PUNEET	
			ART UNIT	PAPER NUMBER
			2666	

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/763,528

Applicant(s)

LE PICHON, ROBERT

Examiner

Puneet Bhandari

Art Unit

2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 April 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: block 52. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 4 & 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Douglas (U.S. 5,097,469). The Douglas reference teaches all the limitations of the listed claims with the reasoning that follows.

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Regarding claim 1, A device for monitoring the proper conduct of a protocol for exchanging information over a cabled telephone network, between at least two data sending and receiving stations is anticipated by "*Passive Monitor*" disclosed in column 4, lines 39-45.

The device comprising a protocol analyzer is anticipated by "*Passive Monitor includes a protocol analyzer*" disclosed in column 5, lines 50-55 or Figure 2.

Device connected to one at least of the sending and receiving station which has a built in modulator/demodulator is anticipated by "*receiver stations with a MODEM*" disclosed in column 5, lines 56-57.

The device furthermore comprises a unit for converting the data from the first format, according to which the data are conveyed over the network, into second format according to which the data are adapted so as to be processed by the protocol analyzer is anticipated by "*Frame Processor*" disclosed in column 06, lines 01-05 or Figure 2.

The conversion unit being connected between the protocol analyzer and the modulator/demodulator of the station to which the device is connected is disclosed in Figure 2.

Regarding claim 4, data conversion unit is connected to a data transfer line by way of high-impedance facility is anticipated by "*truly passive monitor*" disclosed in column 05, lines 14-18.

Regarding claim 5, means for discriminating between the data send by the sending and receiving station closet to the analyzer and data send by most distant

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station is anticipated by "*monitor keeps track of current state of network*" disclosed in column 05, 20-29.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 2 rejected under 35 U.S.C. 103(a) as being unpatentable over Douglas (U.S. 5,097,469) in view of Seike et al. (U.S. 6,112,067). Douglas (U.S. 5,097,469) teaches all the limitation of claim 2 (see 102 rejection above) except Douglas (U.S. 5,097,469) does not expressly disclose conversion unit having two modulators/demodulators functioning as, demodulator for the conversion of the data according to the format adapted for the processing of the data by the analyzer and other as a modulator for modulation of the data demodulated by the demodulator with a view to their transmission over the network. Seike et al. (U.S. 6,112,067) discloses an analyzer with separate modulation and demodulation sections (Figure 1A). At the time invention was made it would have been obvious to a person in ordinary skill in art to add separate modulation and demodulation section disclosed by Seike et al. (U.S. 6,112,067) to the monitoring device of Douglas (U.S. 5,097,469). One in ordinary skill in art would have been motivated to do this due to need for communication analyzers

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capable of easily executing measurement of a plurality of types of digital communication systems (see column 01, lines 55-60 of Seike et al. (U.S. 6,112,067)).

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Douglas (U.S. 5,097,469) in view of Seike et al. (U.S. 6,112,067) and further in view of Wilson et al. (US 6,260,084). Douglas (U.S. 5,097,469) and Seike et al. (U.S. 6,112,067) teach all the limitation of claim 2 (see 103 rejection above) except Douglas (U.S. 5,097,469) and Seike et al. (U.S. 6,112,067) does not expressly disclose modulator and demodulator are connected together by RS232 type serial link. Wilson et al. (US 6,260,084) discloses a modem with an RS232 interface for connection between modem and a computer (column 01, lines 12-15). At the time the invention was made it would have been obvious to a person with ordinary skill in art to use RS232 interface disclosed by Wilson et al. (US 6,260,084) to connect the modulation and demodulation device of Seike et al. (U.S. 6,112,067). One in ordinary skill in art would have been motivated to do this due to need for connection between two devices (column 01, lines 5-6).

Allowable Subject Matter

6. Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

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Regarding claim 6, the prior art of record teaches a device consisting of a demodulation means and means for comparing the level of reception of data. The prior art fails to teach that two demodulators circuits are connected in parallel to the connection facility and ensuring the demodulation of data originating from the closets sending receiving station and other for demodulation of data originating from the most distant sending receiving station.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Puneet Bhandari whose telephone number is 571-272-2057. The examiner can normally be reached on 9.00 AM To 5.30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 571-272-3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Puneet Bhandari
Examiner
Art Unit 2666

Chau T. Nguyen

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PB